

TRAUB LIEBERMAN

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December 12, 2019

Via ECF Only

The Honorable Deborah A. Batts
U.S. District Court, S.D.N.Y.
500 Pearl Street, Room 2510
New York, New York 10007

Re: *Lupardo v. The Armory Foundation*
Civil Action No.: 18cv11984

Dear Judge Batts:

The undersigned represents Defendant The Armory Foundation (the “Foundation”) in the captioned action. Pursuant to Local Civil Rule 37.2, The Foundation writes to request that the Court either (i) schedule a conference to address certain issues that are preventing the Foundation from engaging in meaningful discovery in this action, or (ii) enter an order permitting the Foundation to file a motion to address those issues. As explained below, the Foundation requires the Court’s assistance to address these issues. It is the Foundation’s understanding that Plaintiff’s counsel does not oppose this request insofar as it seeks the scheduling of a conference.

On October 3, 2019, the Court entered a Scheduling Order (Dkt.#20) requiring the parties to complete all discovery by January 31, 2020 (the “Order”). Promptly following entry of that Order (October 18), the Foundation served its First Set of Requests for Admissions, First Set of Document Requests and First Set of Interrogatories on Plaintiff. Taking into account that the Foundation served the discovery requests by regular mail, Plaintiff’s responses thereto were due no later than November 20, 2019.

On November 27, 2019, the undersigned sent the letter attached as Exhibit A to Plaintiff’s counsel, requesting that Plaintiff serve responses. After not receiving a response thereto, the undersigned emailed Plaintiff’s counsel on December 3, 6, 9, 11 and 12 (*see* Ex. B), and spoke with him on December 12, 2019. To date, while counsel has informed the undersigned that he has been attending to certain issues on his end, the Foundation has not received any responses, nor has Plaintiff confirmed that responses and production can be provided by December 18 or proposed any dates when Plaintiff can appear for her deposition. Without discovery responses (including document production), the Foundation cannot

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meaningfully conduct Plaintiff's deposition. Further, the Foundation may face additional difficulty to the extent there are any disputes over Plaintiff's responses and/or production, in light of the upcoming holidays and the January 31, 2020 deadline imposed by Your Honor under the Order.

In light of the foregoing, the Foundation respectfully requests that the Court either (i) ~~schedule a conference to address the above issues, or~~ (ii) enter an order permitting the Foundation to file a motion to address those issues.

Very truly yours,

TRAUB LIEBERMAN STRAUS & SHREWSBERRY LLP

Gregory R. Bennett

Gregory R. Bennett

*Submit Proposed Order
to the Court. DAB
11/10/2020*

cc: Gregory A. Tsonis, Esq. (via ECF only)

SO ORDERED

Deborah A. Batts

DEBORAH A. BATTS 11/10/2020
UNITED STATES DISTRICT JUDGE